

Serial No.: 09/679,802
Attorney Docket No.: F-209

Patent

REMARKS

Claims 1 -23 were currently pending in the Application. Applicant has amended claims 5 and 13. Applicant respectfully requests entry of the above amendments and consideration of the enclosed remarks. Applicant submits that no new matter is added and that the amendments are merely cosmetic. Accordingly, claims 1-23 will remain pending in the application.

In section 1 of the Office Action, the Examiner discusses a priority claim that the Applicants do not understand. Applicants suspect that the priority discussion is in error and requests the Examiner withdraw such objection.

Objection to the Drawings

In section 2 of the Office Action, the Examiner objected to the drawings due to informalities. Applicant has submitted a Request for Approval of Drawings on even date herewith enclosing FIGs. 1-3, 4a, 4b and 5 correcting the informalities. Applicant respectfully submits that no new matter is added and request approval of the drawing change.

Claim Rejections

In sections 4-10 of the Office Action, the Examiner rejected Claims 1-23 under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 6,289,323 to Gordon ("Gordon '323").

Applicants respectfully traverse the rejection. Applicants respectfully submit that the Examiner has not put forth a basis for this rejection for claims 6, 7, 14, 15, 21 and 22. Applicants respectfully request the Examiner withdraw the rejection.

Regarding claims 1, 9 and 17, Applicants respectfully submit that the cited reference does teach or fairly disclose at least "obtaining payment data via the postage metring system of an indication of the third party payment".

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Regarding claims 2, 10 and 18, Applicants respectfully submit that the cited reference does teach or fairly disclose at least "printing by the postage metering system of an indication of the third party payment".

Regarding claims 3, 11 and 19, Applicants respectfully submit that the cited reference does teach or fairly disclose at least "a date", "authorized for dispatch".

Regarding claims 4, 12 and 20, Applicants respectfully submit that the cited reference does teach or fairly disclose at least "third party payment indication includes a digital signature".

Regarding claims 5 and 13, Applicants respectfully submit that the cited reference does not teach or fairly disclose at least "providing a business return mailpiece for use as the mailpiece, the business return mailpiece including space to receive the indication of the third party payment." The amendments to claims 5 and 13 are merely cosmetic as the original claims required an indication of the third party payment printed on the mailpiece and accordingly, the business reply mailpiece of these claims must have had space to receive such indications.

Regarding claims 8, 16 and 23, Applicants respectfully submit that the cited reference does teach or fairly disclose at least "a date", "authorized for dispatch".

Applicants respectfully submit that the invention as presently claimed in claims 6, 7, 14, 15, 21, and 22 is patentable over the cited reference. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

In sections 13-14 of the Office Action, the Examiner rejected Claims 6, 7, 14, 15, 21, and 22 under 35 U.S.C. 103(a) as allegedly rendered obvious by Gordon '323.

Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the claims are allowable over the cited reference for at least the reasons stated above for the claims from which they depend, namely, claims 1, 5, 9, 13, 17 and 20.

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Furthermore, Applicants respectfully submit that the Examiner has not put forth a prima facie obviousness argument. The Examiner does not cite to any reference teaching the claim elements such as aggregation nor to any motivation to combine such references should they exist. If the Examiner is taking official notice of any art, Applicants respectfully request a citation to a reference.

Applicants respectfully submit that the invention as presently claimed in claims 6, 7, 14, 15, 21, and 22 is patentable over the cited reference. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Accordingly, Applicants submit that the invention as presently claims in claims 1-23 is patentable over the cited references and in condition for allowance.

CONCLUSION OF REMARKS

For at least the reasons stated above, it is respectfully submitted that the remaining claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

AUTHORIZATION

No fee, other than the fee for the enclosed petition for extension of time, is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-209.

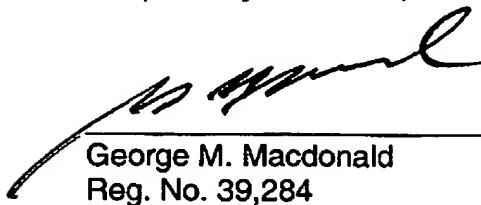
In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely. The

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Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-209.

Respectfully submitted,



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APPENDIX A

Version with Markings to Show Changes Made

In the specification:

On page 1, please replace the section entitled Cross Reference to Related Applications according to the following version.

This application is related to the following co-pending application filed concurrently herewith and commonly assigned to the assignee of this application: US Patent Application Number 09/679,801[aa/aaa,aaa], entitled POSTAGE METERING SYSTEM HAVING FUNDS RECONCILIATION FOR THIRD PARTY PAYMENTS (Attorney Docket No. F-210). This application is also related to the following co-pending applications, all of which were filed on December 30, 1998 and are commonly assigned to the assignee of this application: US Patent Application Number 09/224,256, entitled POSTAGE PRINTING SYSTEM HAVING SUBSIDIZED PRINTING OF THIRD PARTY MESSAGES (Attorney Docket No. E-796); US Patent Application Number 09/223,504, entitled POSTAGE PRINTING SYSTEM HAVING VARIABLE SUBSIDIES FOR PRINTING OF THIRD PARTY MESSAGES (Attorney Docket No. E-803) and US Patent Application Number 09/223,643, entitled PRODUCTION MAIL SYSTEM HAVING SUBSIDIES FOR PRINTING OF THIRD PARTY MESSAGES ON MAILPIECES (Attorney Docket No. E-806), all of which are specifically incorporated herein by reference.

In the Claims

Please replace claims 5 and 13 according to the following marked-up version:

5. The payment processing system of claim 4, wherein: